IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.10540 of 1999

M.E.Sivaram .. Petitioner.

Versus

1.The Managing Director
Tamilnadu Housing Board
331, Anna Salai, Nandanam,
Chennai-35.

2.The Executive Engineer and
Administrative Officer,
Korattur Division,
Tamilnadu Housing Board,
Chennai-83. .. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Letter No.2(3)/28327, dated 1.6.99 and quash the same and consequently forbear the respondents from proceeding any further in respect of cancellation fo the allotment of LIG House No.350, Sevvapet made in favour of the petitioner by the order of the 2nd respondent dated 14.12.1994.

For petitioner : Mr.K.S.Viswanathan

For respondents : Mr.R.Giri Rajan

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O R D E R

Heard Mr.K.S.Viswanathan, the learned counsel appearing for the petitioner and Mr.R.Giri Rajan, the learned counsel appearing for the Tamil Nadu Housing Board.

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2. It has been submitted by the petitioner that he was selected by the Tamil Nadu Housing Board for allotment of LIG House No.350 at Sevvapet, under outright purchase basis. The tentative cost of the house was fixed at Rs.77,519/-. The allotment order in respect of the said house was issued by the second respondent, vide his Letter No.Kra-5/9511/93, dated 14.12.1994. After the petitioner had made necessary payments, a handing over order was also issued by the respondents, on 14.12.1994. The respondents had also issued a No Objection certificate by proceedings, dated 7.4.1995, permitting the petitioner to carry out certain extension work in the house allotted to him. While so, by a communication, dated 19.11.1998, the respondents had stated that the petitioner had submitted a false income certificate at the time of allotment of the house and that the respondents have proposed to cancel the allotment made to the petitioner. Though the petitioner had made several representations requesting the respondents to drop the proceedings to cancel the allotment made to the petitioner, the first respondent had issued an order, dated 01.06.1999, vide letter No.2(3)/28327/92, stating that the request of the petitioner cannot be granted. In such circumstances, the petitioner has approached this Court by filing the present writ petition, invoking Article 226 of the Constitution of India.

3. At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the petitioner had pointed out that the Secretary to Government Housing and Urban Development Department, had issued a Letter No.5911/LAIV.1/2004-2, dated 4.6.04, stating as follows:

> "I am directed to invite a reference to your petition cited and to state that your request contained therein has been examined in consultation with Tamil Nadu Housing Board and decided that after the Writ petition filed by you is withdrawn and difference of the cost of the land is paid by you, action will be taken to cancel the orders in which the allotment of the house No.LIG.L350, Sevapet was cancelled and to issue the sale deed in respect of the above said House."

4. Further, by proceedings, dated 5.1.2007, issued in குறிப்பாணை எண் ஒது/1/12-45934-06. directions have been given to issue the sale deed to the petitioner after collecting the differential cost, as agreed by the petitioner. In such circumstances, it is stated that no further orders are necessary in the present writ petition.

5. The learned counsel appearing for the petitioner had submitted that the petitioner may be permitted to challenge the differential cost claimed from the petitioner, with regard to the LIG House No.350 at Sevvapet allotted to him, if necessary.

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6. On such submissions being made, the present writ petition is closed as no further orders are required. However, it is made clear that it is open to the petitioner to challenge the differential cost proposed to be levied on the petitioner, if so advised, in the manner known to law. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Managing Director
Tamilnadu Housing Board
331, Anna Salai, Nandanam,
Chennai-35.

2.The Executive Engineer and
Administrative Officer,
Korattur Division,
Tamilnadu Housing Board,
Chennai-83.

1 cc To Mr.K.S.Viswanathan, Advocate, SR.72934.

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KA(CO)
RVL 07.01.2008

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